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**FILED**  
**HARRISBURG**

MAR 16 2001

MARY E. D'ANDREA, CLERK  
Per JP  
DEPUTY CLERK

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRELL G. OBER,

Plaintiff

vs.

PAUL EVANKO, MARK CAMPBELL,  
THOMAS COURY, JOSEPH WESTCOTT,  
HAWTHORNE CONLEY,

Defendants

NO. 1: CV-01-0084  
(Judge Caldwell)

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

DEFENDANTS' MOTION TO DISMISS ALL CLAIMS

AND NOW, pursuant to Fed. R. Civ. P. 12(b)(6), the defendants, by and through their attorneys, Syndi L. Guido, Deputy General Counsel, and Joanna N. Reynolds, Assistant Counsel, move to dismiss plaintiff's complaint, incorporate the attached memorandum of law, and state:

1. Plaintiff is a Captain in the Pennsylvania State Police currently serving as the Director of the Administrative Division of the Bureau of Liquor Control Enforcement.
2. The named defendants are Commissioner Evanko, Deputy Commissioners Coury and Conley, former Deputy Commissioner Westcott, and Mark Campbell, the Governor's current Chief of Staff (formerly Deputy Chief of Staff).
3. Pursuant to 42 U.S. C. § 1983, plaintiff alleges that the defendants violated his First, Fourth, and Fourteenth Amendment rights; he also raises various state tort claims.

4. Plaintiff requests compensatory and punitive damages.
5. Plaintiff's complaint must be dismissed because he has failed to state a claim upon which relief can be granted.
6. To the extent defendants have been sued in their official capacities, plaintiff's suit is barred by the Eleventh Amendment and state sovereign immunity.
7. To the extent defendants have been sued in their individual capacities, plaintiff's suit must be dismissed because the defendants are entitled to qualified immunity.

WHEREFORE, this Court should grant defendants' motion and dismiss plaintiff's complaint in its entirety.

Respectfully submitted,

BY:

  
JOANNA N. REYNOLDS

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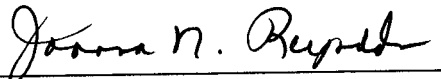
Dated: March 16, 2001

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRELL G. OBER,	:	
Plaintiff	:	NO. 1: CV-01-0084
	:	(Judge Caldwell)
vs.	:	
	:	CIVIL ACTION - LAW
PAUL EVANKO, MARK CAMPBELL,	:	
THOMAS COURY, JOSEPH WESTCOTT,	:	JURY TRIAL
DEMANDED	:	
HAWTHORNE CONLEY,	:	
Defendants	:	

**CERTIFICATE OF NONCONCURRENCE**

Undersigned counsel for the defendants hereby certifies that she sought the concurrence of plaintiff's counsel, Don Bailey, in this motion to dismiss. Mr. Bailey was unavailable. Accordingly, counsel presumes that he does not concur in defendants' motion.

  
Joanna N. Reynolds  
Assistant Counsel  
Pennsylvania State Police  
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Harrisburg, PA 17110  
(717) 783-5568

